

Tab 1

[Skip to Main Content](#) [Logout My Account](#) [Search Menu](#) [New Civil District Search](#) [Refine Search](#) [Back](#)
Location : All District Civil Courts [Images](#) [Help](#)**REGISTER OF ACTIONS**CASE NO. DC-13-12663

VERNON LINICOMN vs. CITY OF DALLAS

§
§
§
§
§

Case Type: OTHER PERSONAL INJURY

Subtype: ASSAULT/BATTERY

Date Filed: 10/22/2013

Location: 134th District Court

PARTY INFORMATION

DEFENDANT CITY OF DALLAS

Lead Attorneys

TATIA WILSON

Retained

214-670-3519(W)

PLAINTIFF LINICOMN, VERNON

KENNETH STUART HARTER

Retained

972-242-8887(W)

EVENTS & ORDERS OF THE COURT**OTHER EVENTS AND HEARINGS**

10/22/2013 [ORIGINAL PETITION \(OCA\)](#)

10/22/2013 [ISSUE CITATION](#)

10/22/2013 [CASE FILING COVER SHEET](#)

10/23/2013 [CITATION](#)

CITY OF DALLAS	Served	10/28/2013
	Returned	11/01/2013
HILL, MAURICIO	Served	11/12/2013
	Returned	11/25/2013
MATTHEWS, CHERYL	Served	01/13/2014
	Returned	01/15/2014

10/24/2013 [CORRESPONDENCE - LETTER TO FILE](#)
Rule 47c

10/24/2013 [NOTICE OF DISMISSAL FOR WANT OF PROSECUTION](#)

11/15/2013 [ORIGINAL ANSWER - GENERAL DENIAL](#)

11/15/2013 [SPECIAL EXCEPTIONS](#)

11/15/2013 [MOTION - DISMISS](#)

12/09/2013 [ORIGINAL ANSWER - GENERAL DENIAL](#)
MAURICO HILL

12/09/2013 [SPECIAL EXCEPTIONS](#)

12/09/2013 [NON-SIGNED PROPOSED ORDER/JUDGMENT](#)
DISMISSAL

12/16/2013 [NOTICE OF TRIAL](#)

12/16/2013 [SCHEDULING ORDER](#)
LEVEL 2
Vol./Book 431G, Page 901, 2 pages

12/16/2013 [ORDER - MEDIATION](#)
Vol./Book 431G, Page 929, 2 pages

12/30/2013 [ORDER - DISMISSAL](#)
MAURICIO HILL, CHERYL MATTHEWS, & DOES 1-3 ONLY
Vol./Book 431G, Page 1022, 1 pages

12/30/2013 [NOTE - CLERKS](#)
MAILED COPY OF DISMISSAL TO DEF'S

01/14/2014 [NOTE - ADMINISTRATOR](#)
vacated, need hearing b/c not agreed

01/14/2014 [ORDER - VACATE JUDGMENT](#)
DISMISSAL AS TO MAURICIO HILL, CHERYL MATTHEWS, AND DOES 1-3 ONLY
Vol./Book 432G, Page 185, 1 pages

01/17/2014 [CANCELED DISMISSAL FOR WANT OF PROSECUTION](#) (10:00 AM) (Judicial Officer TILLERY, DALE)
BY COURT ADMINISTRATOR

01/22/2014 [NOTICE OF HEARING / FIAT](#)

01/29/2014 [RESPONSE](#)
PLTF-TO M/DISMISS

01/29/2014 [AMENDED PETITION](#)
1ST AMENDED PETITION

02/03/2014 [CANCELED Motion - Dismiss](#) (9:30 AM) (Judicial Officer TILLERY, DALE)
BY COURT ADMINISTRATOR
*DEFT-***15M***-HEARING WAS SET BY TASHA WILSON-214-671-9553 (hearing held, ruling issued)*

02/03/2014 [ORDER - PARTIAL DISMISSAL](#)
MAURICO HILL, CHERYL MATTHEWS AND DOES 1-3

Vol./Book 432G, Page 455, 1 pages
 02/24/2014 [AMENDED ANSWER - AMENDED GENERAL DENIAL](#)
Defendant Cheryl Matthews' Answer to Plaintiff's First Amended Original Petition
 09/02/2014 [Non Jury Trial](#) (9:00 AM) (Judicial Officer TILLERY, DALE)

 FINANCIAL INFORMATION

	PLAINTIFF LINICOMN, VERNON	
	Total Financial Assessment	308.00
	Total Payments and Credits	308.00
	Balance Due as of 02/28/2014	0.00
10/22/2013	Transaction Assessment	36.00
10/23/2013	Transaction Assessment	272.00
10/25/2013	PAYMENT (CASE FEES) Receipt # 60405-2013-DCLK	(308.00)
	KENNETH S. HARTER	

Tab 2

Cause No. DC-13- 12663

VERNON LINICOMN	§	IN THE DISTRICT COURT
	§	
Plaintiff	§	
	§	
Vs.	§	
	§	G-134TH JUDICIAL DISTRICT COURT
CITY OF DALLAS, MAURICIO	§	
HILL, CHERYL MATTHEWS, and	§	
DOES 1-3, INCLUSIVE	§	
	§	
Defendants	§	DALLAS COUNTY, TEXAS

ORIGINAL PETITION

I

Plaintiff intends to conduct discovery according to Level 2, T.R.Civ.Pro. Rule 190. The amount in controversy exceeds \$50,000.

II

Venue is proper in this Court because the events complained of herein occurred in Dallas County, Texas.

III

Plaintiff VERNON LINICOMN is an individual domiciled in Dallas County, Texas.

IV

Defendant City of Dallas is a municipal corporation organized pursuant to the laws of the State of Texas. It may be served with process by serving the City Manager: A. C. Gonzales, 1500 Marilla Street, Dallas, Texas.

Defendant MAURICIO HILL was at all relevant times a police officer employed by the City of Dallas. He may be served with process at 1400 So. Lamar Street, Dallas, Tx. 75215

Defendant CHERYL MATTHEWS was at all relevant times a police officer employed by the City of Dallas. She may be served with process at 1400 So. Lamar Street, Dallas, Tx. 75215.

Defendants Does 1-3, inclusive, are believed to also have been police officers employed by the City of Dallas. When their identities are discovered this Petition will be amended to so reflect.

V

On or about October 23, 2011, Defendants HILL and MATTHEWS, along with Doe 1, whose identity is uncertain at this time, entered Plaintiff's home without a warrant.

VI

While in Plaintiff's home, Defendants HILL, MATTHEWS and Doe 1 assaulted Plaintiff, causing great bodily harm.

VII

As a proximate result of the conduct of said defendants, Plaintiff was damaged in an amount in excess of the minimum jurisdictional limits of this Court.

VIII

Said defendants acted intentionally, maliciously, and with willful disregard for the rights of Plaintiff. Accordingly, Plaintiff is entitled to recover of said defendants exemplary damages.

COUNT 2

IX

Plaintiff refers to and incorporates by this reference the allegations contained hereinabove.

X

Pleading in the alternative, Plaintiff would show that Defendants HILL, MATTHEWS and Doe 1 were acting within the course and scope of their employment with the City of Dallas. Accordingly, the City of Dallas is liable for the injuries suffered by Plaintiff.

COUNT 3

XI

Plaintiff refers to and incorporates by this reference the allegations contained hereinabove.

XII

Defendants HILL, MATTHEWS, and Does 1-3, acting under color of state law, violated the constitutional and civil rights of Plaintiff by entering his home without a warrant, and by battering him without justification or excuse.

COUNT 4

XIII

Plaintiff refers to and incorporates by this reference the allegations contained hereinabove.

XIV

Defendant CITY OF DALLAS was negligent in the manner by which it trained and supervised its employees. Said defendant was under a duty to Plaintiff, as a resident and city of the City of Dallas, to supervise and train its police officers with respect to the civil rights of the members of the community and their obligations to respect such rights. Further, the City of Dallas is under a duty to properly supervise its police officers so that such officers do not commit violations of the civil and constitutional rights of the people.

XV

Plaintiff presented a claim to the City of Dallas on or about November 4, 2011. Said claim was rejected.

XVI

As a proximate result of the City's breach of duty, Plaintiff was damaged in a sum in excess of the minimum jurisdictional limits of this Court, for which he prays judgment.

COUNT 5

XVII

Plaintiff has been required to retain the services of the undersigned, an attorney at law licensed to practice in the State of Texas. Plaintiff prays that he be awarded judgment for the reasonable and necessary attorney fees incurred in the prosecution of this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants, and each of them, be cited an answer and appear herein, and that upon final trial of this case, Plaintiff be awarded judgment for damages, attorney fees, costs of court, and for such other and further relief as the Court deems just.

Respectfully submitted,

LAW OFFICES OF KENNETH S. HARTER

/s/ Kenneth S. Harter
Kenneth S. Harter
SBN 09155300

1620 E. Beltline Rd.
Carrollton, Tx. 75006
(972) 242-8887
FAX (972) 446-7976

Attorneys for Plaintiff

Tab 3

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**CITY OF DALLAS
BY SERVING THE CITY MANAGER A C GONZALES
1500 MARILLA STREET
DALLAS TX**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VERNON LINICOMN**

Filed in said Court **22nd day of October, 2013** against

CITY OF DALLAS et al

For Suit, said suit being numbered **DC-13-12663**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas
Given under my hand and the Seal of said Court at office this 23rd day of October, 2013.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By 
DIANNE COFFEY

Deputy



ATTY

CITATION

DC-13-12663

VERNON LINICOMN

vs.

**CITY OF DALLAS,
et al**

ISSUED THIS

23rd day of October, 2013

**GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas**

By: DIANNE COFFEY, Deputy

**Attorney for Plaintiff
KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLTON TX 75006
972-242-8887**

DALLAS COUNTY COMMISSAR

**DO NOT
PAY**

**DO NOT
PAY**

OFFICER'S RETURN

Case No. : DC-13-12663

Court No.134th District Court

Style: VERNON LINICOMN

vs.

CITY OF DALLAS, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ .M. Executed at _____
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

\$ _____

For mileage

\$ _____

of _____ County, _____

For Notary

\$ _____

By _____

Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

Tab 4

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**MAURICIO HILL
1400 SO LAMAR STREET
DALLAS TX 75215**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VERNON LINICOMN**

Filed in said Court **22nd day of October, 2013** against

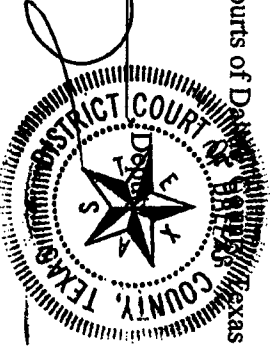
CITY OF DALLAS et al

For Suit, said suit being numbered **DC-13-12663**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 23rd day of October, 2013.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas

By *Dianne Coffey*
DIANNE COFFEY



ATTY

CITATION

DC-13-12663

VERNON LINICOMN

vs.

**CITY OF DALLAS,
et al**

ISSUED THIS
23rd day of October, 2013

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: DIANNE COFFEY, Deputy

Attorney for Plaintiff
KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLLTON TX 75006
972-242-8887

DALLAS COUNTY COMPLETABLE

NOT PAID

NOT PAID

OFFICER'S RETURN

Case No. : DC-13-12663

Court No.134th District Court

Style: VERNON LINICOMN

vs.

CITY OF DALLAS, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M. Executed at _____
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____
20____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

\$ _____

For mileage

\$ _____

of _____ County, _____

For Notary

\$ _____

By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

Tab 5

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**CHERYL MATTHEWS
1400 SO LAMAR STREET
DALLAS TX 75215**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VERNON LINICOMN**

Filed in said Court **22nd day of October, 2013** against

CITY OF DALLAS et al

For Suit, said suit being numbered **DC-13-12663**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 23rd day of October, 2013.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

By 
DIANNE COFFEY



ATTY

CITATION

DC-13-12663

VERNON LINICOMN

vs.

**CITY OF DALLAS,
et al**

ISSUED THIS

23rd day of October, 2013

GARY FITZSIMMONS

Clerk District Courts,
Dallas County, Texas

By: **DIANNE COFFEY**, Deputy

Attorney for Plaintiff

**KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLLTON TX 75006
972-242-8887**

DALLAS COUNTY CONSTABLE

PAID

NOT PAID

OFFICER'S RETURN

Case No. : DC-13-12663

Court No. 134th District Court

Style: VERNON LINICOMN

vs.

CITY OF DALLAS, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M. Executed at _____
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____
20____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

\$ _____

For mileage

\$ _____

For Notary

\$ _____

of _____ County, _____

By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

Tab 6

CAUSE NUMBER (FOR CLERK USE ONLY): _____

COURT (FOR CLERK USE ONLY): _____

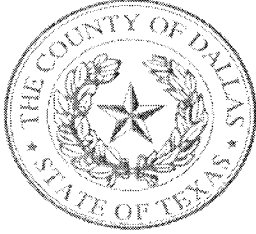
STYLED _____

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>KENNETH S. HARTER</u> Email: <u>kenharter@tx.rr.com</u> Address: <u>1620 E Beltline</u> Telephone: <u>(972) 242-8887</u> City/State/Zip: <u>CARROLLTON TX 75006</u> Fax: <u>(972) 446-7976</u> Signature: <u>[Signature]</u> State Bar No: <u>09155300</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Vernon L. [Signature]</u> Defendant(s)/Respondent(s): <u>City of Dallas</u> <u>Pro Se Plaintiff</u> <u>Pro Se Defendant</u> [Attach additional page as necessary to list all parties]	
		Person or entity completing sheet is: <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____	
		Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):			
Civil		Family Law	
Contract <input type="checkbox"/> Debt Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input checked="" type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____
		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order	
		Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____	
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____		Probate & Mental Health Probate: Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____	
3. Indicate procedure or remedy, if applicable (may select more than 1):			
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	
<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover			
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000			

Tab 7



JUDGE DALE TILLERY PRESIDING
134th Judicial District Court
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202-4606
214/653-6995
fly@dallascourts.org

October 24, 2013

KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLTON TX 75006

Re: VERNON LINICOMN vs. CITY OF DALLAS, et al
DC-13-12663

All Counsel of Record/Pro Se Litigants:

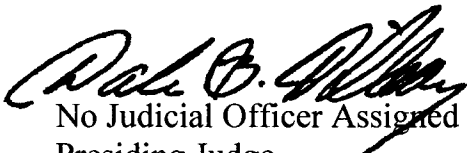
We have received your petition. Pursuant to Rule 47(c) of the Texas Rules of Civil Procedure, your pleading is deficient because your petition does not contain a statement that conforms with Rule 47(c) 1-5. (See: Rule 47(c) of the Texas Rules of Civil procedure, effective March 1, 2013).

Rule 47(c) specifically provides that:

"A party that fails to comply with (c) may not conduct discovery until the party's pleading is amended to comply." (see: Tex. R. Civ. Proc. 47(d)).

Please perfect your petition so that your petition complies with Rule 47 of the Texas Rules of Civil Procedure.

Sincerely,


No Judicial Officer Assigned
Presiding Judge

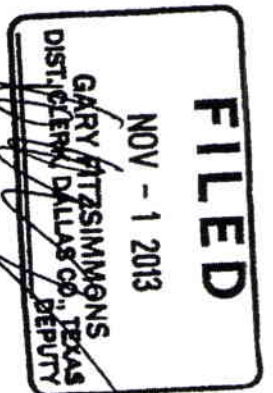
pc: KENNETH STUART HARTER

Tab 8

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**CITY OF DALLAS
BY SERVING THE CITY MANAGER A C GONZALES
1500 MARILLA STREET
DALLAS TX**



GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VERNON LINICOMN**

Filed in said Court **22nd day of October, 2013** against

CITY OF DALLAS et al

For Suit, said suit being numbered DC-13-12663, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas
Given under my hand and the Seal of said Court at office this 23rd day of October, 2013.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas

By , Deputy
DIANNE COFFEY



ATTY
CITATION

DC-13-12663

VERNON LINICOMN
vs.
CITY OF DALLAS,
et al

ISSUED THIS
23rd day of October, 2013

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: **DIANNE COFFEY**, Deputy

Attorney for Plaintiff
KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLTON TX 75006
972-242-8887

DALLAS COUNTY COMMISSARIAL

PAID

NOT PAID

OFFICER'S RETURN

Case No. : DC-13-12663

Court No. 134th District Court

Style: VERNON LINICOMN

vs.

CITY OF DALLAS, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M. Executed at _____
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____
20____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____



298888

CASE NO.: DC-13-12663

Vernon Linicomn.

IN THE

vs.

Dallas County 134th District Court

City of Dallas, Mauricio Hill, Cheryl Matthews,
and DOES 1-3, Inclusive,

Dallas COUNTY, TX

FILED
13 NOV - 1 PM 3:13
GARY FITZSIMMONS
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

AFFIDAVIT OF SERVICE

I, **Edgar Murphy**, having been duly sworn do state that the following is true and correct:

That I am over the age of eighteen, not a party to this suit, and have no interest in the outcome of the suit. I have met the criteria and I am an approved Process Server authorized by the Supreme Court of the State of Texas and remain in good standing.

On 10/25/2013 at 4:04 PM, I received a Citation Plaintiff's Original Petition to be delivered to City of Dallas by serving the City Manager A C Gonzales at 1500 Marilla St. Room 5-D South, Dallas, TX 75201-6318.

That on October 28, 2013 at 3:25 PM, I delivered said documents to City of Dallas by serving the City Manager A C Gonzales by delivery to Lindsay Thomas, Customer service rep. at 1500 Marilla St. Room 5-D South, Dallas, TX 75201-6318.

Further the Affiant says not.

Description of Person Accepting Service:

Sex: Female Race: Caucasian Age: 28 Height: 5'05" Weight: 110 Hair: Red


Military Status: N/A

Marriage Status: N/A

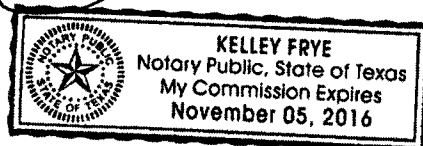
SUBSCRIBED AND SWORN TO BY **Edgar Murphy** on
this 29 day of October, 2013 to attest witnesses my
hand and seal of office

Notary Public

X


Edgar Murphy
PPS # : SCH#9719 Exp 5/31/15
EZ Messenger
1860 W Mockingbird Ln
Dallas, TX 75235
214-748-4200

LawFirm Job#: City of Dallas
KENNETH S. HARTER



10/31/2013

Statement of Cost

EZ Messenger

1860 W Mockingbird Ln, Dallas, TX, 75235, Phone: 214-748-4200, Fax: 214-748-4206

CASE NO.: DC-13-12663

Vernon Linicomn

Plaintiff(s)

VS.

City of Dallas, Mauricio Hill, Cheryl Matthews, and DOES 1-3, Inclusive

Defendant(s)

IN THE Dallas County 134th District Court

Dallas COUNTY, TX

These costs are those incurred up to and including 10/31/2013 on City of Dallas by serving the City Manager A C Gonzales, Job #290080, Client Reference #: City of Dallas.

Metro Service of Process \$ 70.00

Total Cost To Date: \$70.00

Tab 9



DC-13-12663-G

VERNON LINICOMN,
Plaintiff,

v.

CITY OF DALLAS, MAURICIO HILL,
CHERYL MATTHEWS, and DOES 1-3
INCLUSIVE,
Defendants.§
§
§
§
§
§
§
§
§
§13 NOV 15 PM 2:58
IN THE DISTRICT COURTDALLAS COUNTY, TEXAS
134TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

CITY OF DALLAS' SPECIAL EXCEPTIONS, ORIGINAL ANSWER,
MOTION TO DISMISS, AND REQUEST FOR DISCLOSURE

Defendant, City of Dallas (the "City"), files its special exceptions, original answer, motion to dismiss, and request for disclosure in response to Plaintiff's Original Petition ("Plaintiff's Petition").

I. SPECIAL EXCEPTIONS

1.1 The City specially excepts to Plaintiff's Petition because it fails to affirmatively demonstrate the Court's jurisdiction by alleging a valid waiver of immunity under the Texas Tort Claims Act. *See Tex. Dep't of Criminal Justice v. Miller*, 51 S.W.3d 583, 587 (Tex. 2001). The City requests that the Court sustain this special exception and order Plaintiff, Vernon Linicomn ("Linicomn" or "Plaintiff"), to replead and cure this pleading defect within 20 days of the Court's ruling and, if Linicomn fails to do so, strike Plaintiff's Petition.

II. GENERAL DENIAL

2.1 Subject to and without waiving the foregoing special exceptions, the City generally denies the allegations in Plaintiff's Original Petition.

III. DEFENSES AND AFFIRMATIVE DEFENSES

3.1 The City invokes the affirmative defense of governmental immunity as to Linicomn's purported state law claims. Specifically, the City of Dallas is a municipal corporation organized and existing as a political subdivision and a unit of government of the State of Texas, and a home rule city under the home rule amendment to the Constitution of the State of Texas and Tex. Rev. Stat. Ann. art. 1175. The City further pleads that the allegations against it herein concern the exercise of a governmental function, to wit: police protection, and the limited waiver of governmental immunity set forth in Chapter 101 of the Texas Tort Claims Act does not apply to claims based on or arising from the failure to provide or the method of providing police protection, or arising out of any other intentional tort that may be asserted by Linicomn. *See* Tex. Civ. Prac. & Rem. Code Ann. §§ 101.055 and 101.057.

3.2 The City affirmatively pleads that its immunity for negligent acts or omissions of its officers, agents, and employees acting in the course and scope of their employment is waived as to Linicomn's purported state law claims only to the extent set forth in the Texas Tort Claims Act.

3.3 The City pleads that it cannot be liable to Linicomn as a matter of law to the extent his state law claims are based on alleged intentional torts for which the City is absolutely immune from suit under the Texas Tort Claims Act.

3.4 The City pleads that Linicomn was contributorily negligent, in that, among other things, he failed to comply with direct verbal commands given by Dallas police officers who had identified themselves as peace officers. The City further pleads that Linicomn's own actions and/or negligence were the proximate cause of the occurrence or incident in question and of any alleged resulting damages.

3.5 To the extent that the City's limited immunity from suit has been waived, and in the unlikely event that the City is ultimately found to be liable to Linicomn, and without waiving any of its other defenses, the City asserts that its liability is limited as set forth in Texas Civil Practice & Remedies Code § 101.023.

3.6 The City affirmatively pleads that, pursuant to section 41.0105 of the Texas Civil Practice and Remedies Code, Linicomn's recovery for past medical expenses is limited to those amounts actually paid or incurred by or on Linicomn's behalf.

IV. MOTION TO DISMISS CITY EMPLOYEE

4.1 Pursuant to section 101.106(e) of the Texas Civil Practice & Remedies Code, the City, as a governmental unit, moves for the immediate dismissal of all purported state law claims against its employees, namely, Mauricio Hill, Cheryl Matthews, and Does 1-3.

V. REQUEST FOR DISCLOSURE

5.1 Pursuant to the authority of Texas Rule of Civil Procedure 194, the City requests that Plaintiff disclose, within 30 days of the service of this request, the information or material described in Rule 194.2.

VI. DEMAND FOR JURY

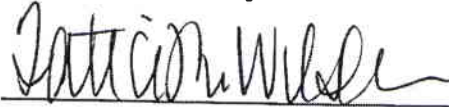
6.1 The City demands a jury trial as to all issues so triable.

VII. PRAYER

For these reasons, Defendant, City of Dallas, requests the Court sustain its special exceptions, grant its motion to dismiss, that it have judgment of the Court that Plaintiff take nothing by this suit, and that the City recover its costs and any other relief to which it may be legally entitled.

Respectfully submitted,

WARREN M. S. ERNST
Dallas City Attorney



Tatia R. Wilson
Senior Assistant City Attorney
Texas Bar No. 00795793
tatia.wilson@dallascityhall.com

Grant Hugh Brenna
Senior Assistant City Attorney
Texas Bar No. 00789170
grant.brenna@dallascityhall.com

City Attorney's Office
1500 Marilla Street, Room 7B North
Dallas, Texas 75201
Telephone: 214-670-3519
Telecopier: 214-670-0622

*Attorneys for Defendant City of
Dallas*

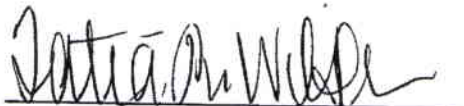
CERTIFICATE OF SERVICE

I certify that, pursuant to Rule 21a, a copy of the foregoing document was served to the following counsel of record on November 15, 2013 in the following manner:

Via Certified Mail

Receipt No. 7007 0220 0000 5567 7794

Kenneth S. Harter
1620 E. Beltline Road
Carrollton, Texas 75006



Tatia R. Wilson
Senior Assistant City Attorney



FILED

City of Dallas

13 NOV 15 PM 2:58

EXCEPTIONS
DISTRICT CLERK
DALLAS CO., TEXAS

DEPUTY

November 15, 2013

Via Hand Delivery

Court Clerk
134th Judicial District Court
George L. Allen, Sr. Courts Bldg.
600 Commerce Street, 6th Floor (old)
Dallas, Texas 75202

Re: *Vernon Linconmn v. City of Dallas, et al.*
Cause No. DC-13-12663-G

Dear Clerk:

Enclosed are the original and two copies of Defendant City of Dallas' Special Exceptions, Original Answer, Motion to Dismiss, and Request for Disclosure in connection with the above-referenced cause of action. Please file the original document with the papers in this action and return the copies, with your date of filing shown thereon, to the City's messenger.

Thank you for your attention to this matter.

Very truly yours,

Tatia R. Wilson
Senior Assistant City Attorney

Enclosures

Tab 10

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**MAURICIO HILL
1400 SO LAMAR STREET
DALLAS TX 75215**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VERNON LINICOMN**

Filed in said Court **22nd day of October, 2013** against

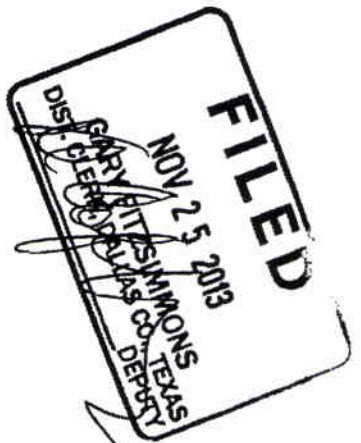
CITY OF DALLAS et al

For Suit, said suit being numbered **DC-13-12663**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 23rd day of October, 2013.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas

By *Dianne Coffey*
DIANNE COFFEY



ATTY

CITATION

DC-13-12663

VERNON LINICOMN

vs.

**CITY OF DALLAS,
et al**

ISSUED THIS

23rd day of October, 2013

**GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas**

By: **DIANNE COFFEY, Deputy**

**Attorney for Plaintiff
KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLTON TX 75006
972-242-8887**

DALLAS COUNTY COMPTROLLER

PAID

NOT PAID

OFFICER'S RETURN

Case No. : DC-13-12663

Court No. 134th District Court

Style: VERNON LINICOMN

VS.

CITY OF DALLAS, et al

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ .M. Executed at _____
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____
20____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

\$ _____

For mileage

\$ _____

of _____ County, _____

For Notary

\$ _____

By _____ Deputy

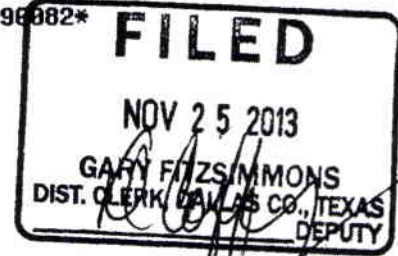
(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____



296882



CASE NO.: DC-13-12663

Vernon Linicomm,

§
§
§
§
§
§

IN THE

vs.

Dallas County 134th District Court

City of Dallas, Mauricio Hill, Cheryl Matthews,
and DOES 1-3, Inclusive.

Dallas COUNTY, TX

AFFIDAVIT OF SERVICE

I, **Jennifer D. Willis**, having been duly sworn do state that the following is true and correct:

That I am over the age of eighteen, not a party to this suit, and have no interest in the outcome of the suit. I have met the criteria and I am authorized to serve process in the State of Texas.

On **10/25/2013 at 4:07 PM**, I received a **Citation Plaintiff's Original Petition** to be delivered to **MAURICIO HILL** at **1400 SO LAMAR ST , Dallas, TX 75215.**

That on **November 12, 2013 at 8:26 PM**, I **Personally Delivered** said documents to **MAURICIO HILL** at **1400 SO LAMAR ST , Dallas, TX 75215.**

Addl Comments: **Signature on file with server Signature on file with server Signature on file with server**

Further the Affiant says not.

Description of Person Accepting Service:

Sex: Male Race: African-American Height: 5'07" Weight: 200 Hair: Black

Military Status: N/A

Marriage Status: N/A

SUBSCRIBED AND SWORN TO BY **Jennifer D. Willis** on
this 22 day of November, 2013 to attest witnesses my
hand and seal of office.

Notary Public

Jennifer D. Willis

PPS # : SCH# 10055 EXP 11/30/2015

EZ Messenger

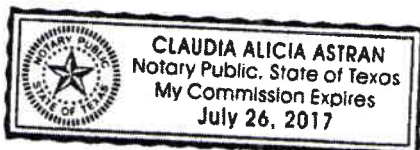
1860 W Mockingbird Ln

Dallas, TX 75235

214-748-4200

Client File #: **HILL**

KENNETH S. HARTER



11/25/2013

-Statement of Cost-

EZ Messenger

1860 W Mockingbird Ln, Dallas, TX, 75235, Phone: 214-748-4200, Fax: 214-748-4206

CASE NO.: DC-13-12663

Vernon Linicomn

Plaintiff(s)

vs.

City of Dallas, Mauricio Hill, Cheryl Matthews, and DOES 1-3. Inclusive

Defendant(s)

IN THE Dallas County 134th District Court

Dallas COUNTY, TX

These costs are those incurred up to and including 11/25/2013 on MAURICIO HILL, Job #290082, Client Reference #: HILL.

Metro Service of Process \$ 70.00

Total Cost To Date: \$70.00

Tab 11



CAUSE NO. DC-13-12663-G

VERNON LINICOMN,
Plaintiff,

v.

CITY OF DALLAS, MAURICIO HILL,
CHERYL MATTHEWS, and DOES 1-3
INCLUSIVE,

Defendants.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

134TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

FILED
13 DEC -9 PM 1:11
GARY E. SIMMONS
DISTRICT CLERK
DALLAS COUNTY, TEXAS**DEFENDANT MAURICO HILL'S ORIGINAL ANSWER.**
SPECIAL EXCEPTION, AND AFFIRMATIVE DEFENSES

TO THE HONORABLE COURT:

COMES NOW, Defendant Maurico Hill ("Defendant"), incorrectly identified in Plaintiff's Petition as "Mauricio Hill", pursuant to rules 83, 84, and 85 of the Texas Rules of Civil Procedure, and files his original answer, special exception, and affirmative defenses in response to Plaintiff's Original Petition ("Petition") and, in support hereof, respectfully shows as follows:

I. SPECIAL EXCEPTIONS

1.1 Defendant specially excepts to Plaintiff's Petition for the reason that Plaintiff's suit against him is barred as a matter of law under section 101.106(a) of the Texas Civil Practice and Remedies Code. The City requests that the Court sustain this special exception and order Plaintiff, Vernon Linicomn ("Linicomn" or "Plaintiff"), to replead and cure this pleading defect within 20 days of the Court's ruling and, if Linicomn fails to do so, strike Plaintiff's Petition.

II. GENERAL DENIAL

2.1 Subject to and without waiving the foregoing special exceptions, Defendant generally denies the allegations in Plaintiff's Petition and demands strict proof thereof according to law.

III. AFFIRMATIVE DEFENSES

3.1 Defendant affirmatively pleads that Plaintiff has failed to state a claim against him upon which relief can be granted.

3.2 Defendant affirmatively pleads that Plaintiff's suit is barred against him as a matter of law under section 101.106(a) of the Texas Civil Practice and Remedies Code.

3.3 Defendant affirmatively pleads the defense of official immunity. Defendant pleads that at all relevant times during the event in issue he was acting in good faith, without malice, and within the course and scope of his official duties in the performance of a government function, and that when a public official acts in such a capacity, he is entitled to official immunity from suit and from liability.

3.4 Defendant affirmatively pleads that he cannot be liable to Plaintiff as a matter of law as to Plaintiff's purported state law claims because the acts that the City's officers, agents, and employees are alleged to have performed or failed to perform are discretionary powers for which they enjoy absolute immunity under the Texas Tort Claims Act, Tex. Civ. Prac. & Rem. Code § 101.056.

3.5 Defendant affirmatively pleads that Plaintiff's own unlawful actions and/or negligence were the proximate cause of the occurrence or incident in question and of any alleged resulting damages.

3.6 Defendant affirmatively pleads that he cannot be liable to Plaintiff as a matter of law for any alleged injuries suffered by Plaintiff as a result of Plaintiff's own unlawful acts.

IV. JURY DEMAND

4.1 Defendant demands a trial by jury as to all issues so triable.

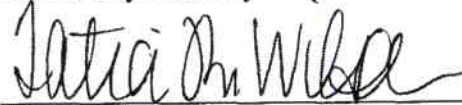
V. PRAYER

WHEREFORE, Defendant Maurico Hill requests the Court sustain his special exception, deny all relief requested by Plaintiff, dismiss with prejudice Plaintiff's claims against Defendant, render judgment that Plaintiff take nothing by this suit, and that Defendant recover his costs and any other relief, at law or in equity, to which he may be legally entitled.

Respectfully submitted,

WARREN M. S. ERNST

Dallas City Attorney



Tatia R. Wilson

Senior Assistant City Attorney

Texas Bar No. 00795793

tatia.wilson@dallascityhall.com

Grant Hugh Brenna

Senior Assistant City Attorney

Texas Bar No. 00789170

grant.brenna@dallascityhall.com

City Attorney's Office

1500 Marilla Street, Room 7C North

Dallas, Texas 75201

Telephone: 214-670-3519

Telecopier: 214-670-0622

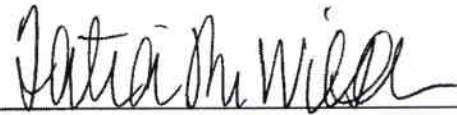
Attorneys for Defendant Maurico Hill

CERTIFICATE OF SERVICE

I certify that on December 9, 2013, pursuant to Rule 21a, a copy of the foregoing document was served to Plaintiff, through his counsel of record, Kenneth S. Harter, in the following manner:

Via Facsimile to 972-446-7976

Kenneth S. Harter
1620 E. Beltline Road
Carrollton, Texas 75006

A handwritten signature in black ink, appearing to read "Tatia R. Wilson", is written over a horizontal line.

Tatia R. Wilson
Senior Assistant City Attorney



December 9, 2013

Via Hand Delivery

Court Clerk
134th Judicial District Court
George L. Allen, Sr. Courts Bldg.
600 Commerce Street, 6th Floor (old)
Dallas, Texas 75202

Re: *Vernon Linicomn v. City of Dallas, et al.*
Cause No. DC-13-12663-G

Dear Clerk:

Enclosed are the original and two copies of Defendant Maurico Hill's Special Exception, Original Answer, and Affirmative Defenses in connection with the above-referenced cause of action. Please file the original document with the papers in this action and return the copies, with your date of filing shown thereon, to the City's messenger.

In addition, please find enclosed a proposed Order of Dismissal as to Defendants Mauricio Hill, Cheryl Matthew, and Does 1-3 in connection with Defendant City of Dallas' Motion to Dismiss, which was filed on November 15, 2013, in conjunction with the City's original answer. Please present the proposed order to the Court for consideration and, once signed, return a signed copy of the same to the undersigned at the address listed on this letterhead.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Tatia R. Wilson'.

Tatia R. Wilson
Senior Assistant City Attorney

Enclosures

Via Facsimile to 972-446-7976

Kenneth S. Harter
1620 E. Beltline Road
Carrollton, Texas 75006

FILED
13 DEC -9 PM 1:10
GARY FITZSIMMONS
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

Tab 12

CAUSE NO. DC-13-12663-G

VERNON LINICOMN,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	
	§	134TH JUDICIAL DISTRICT
CITY OF DALLAS, MAURICIO HILL,	§	
CHERYL MATTHEWS, and DOES 1-3	§	
INCLUSIVE,	§	
Defendants.	§	DALLAS COUNTY, TEXAS

ORDER OF DISMISSAL AS TO DEFENDANTS
MAURICIO HILL, CHERYL MATTHEWS, AND DOES 1-3 ONLY

On November 15, 2013, Defendant City of Dallas filed its Motion to Dismiss its employees only, namely, Defendants Maurico Hill (incorrectly identified as "Mauricio Hill" in Plaintiff's Petition), Cheryl Matthews, and Does 1-3, pursuant to Section 101.106(e) of the Texas Civil Practice and Remedies Code. After reviewing the motion and applicable law, the Court finds that the motion is well-taken and should be GRANTED.

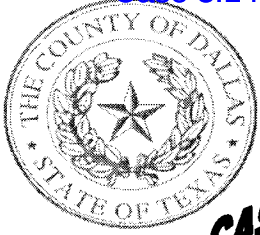
IT IS THEREFORE ORDERED that Defendant City of Dallas' Motion to Dismiss Defendants Mauricio (Maurico) Hill, Cheryl Matthews, and Does 1-3 is GRANTED and Plaintiff take nothing against Defendants Maurico Hill, Cheryl Matthews, and Does 1-3.

IT IS FURTHER ORDERED that the Defendant City of Dallas remains a defendant in this lawsuit.

SIGNED this _____ day of _____, 2013.

JUDGE PRESIDING

Tab 13



**ATTENTION:
CASE WILL BE CARRIED FOR
TWO (2) WEEKS.**

JUDGE DALE TILLERY PRESIDING
134th Judicial District Court
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202-4606
214/653-6995
fly@dallascourts.org

December 16, 2013

DOES 1-3 INCLUSIVE
No Known Address

Re: VERNON LINICOMN vs. CITY OF DALLAS, et al
DC-13-12663

All Counsel of Record/Pro Se Litigants:

PLEASE TAKE NOTE of the following settings:

NON JURY TRIAL: 09/02/2014 @ 9:00 AM


Trial announcements **MUST BE MADE** in accordance with Rule 3.02, Local Rules of the Civil Court of Dallas County, Texas.

When **NO** announcement is made for defendant, defendant will be presumed ready. If **ANY** plaintiff fails to announce or to appear at trial, the case will be dismissed for want of prosecution in accordance with Rule 165a, Texas Rules of Civil Procedure.

Completion of discovery, presentation of pretrial motions, and other matters relating to the preparation for trial, are controlled by the Scheduling Order in this case or by the Texas Rules of Civil Procedure, in the event no Scheduling Order has been signed by the Court.

Please forward a copy of this notice to counsel of record for each party and all pro se parties by a method approved in Texas Rules of Civil Procedure 21a.

Sincerely,


DALE TILLERY,
Presiding Judge

DBT/flf

pc: DOES 1-3 INCLUSIVE; CHERYL MATTHEWS; TATIA WILSON; KENNETH STUART HARTER

Tab 14

CAUSE No. DC-13-12663

VERNON LINICOMN

vs.

CITY OF DALLAS, et al

IN THE DISTRICT COURT

134TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

UNIFORM SCHEDULING ORDER

In accordance with Rules 166, 190 and 192 of the Texas Rules of Civil Procedure, the Court makes the following order to control discovery and the schedule of this cause:

1. This case will be ready and is set for **NON JURY TRIAL** on **SEPTEMBER 02, 2014 at 9:00 AM** ("this Trial Setting"). Reset or continuance of this Trial Setting will not alter any deadlines established in this Order or established by the Texas Rules of Civil Procedure, unless otherwise provided by order. **If not reached as set, the case will be carried to the next week.**

2. Unless otherwise ordered, discovery in this case will be controlled by Rule 190.3 (**LEVEL 2**) of the Texas Rules of Civil Procedure. Except by agreement of the party, leave of court, or where expressly authorized by the Texas Rules of Civil Procedure, no party may obtain discovery of information subject to disclosure under Rule 194 by any other form of discovery.

3. Any objection or motion to exclude or limit expert testimony due to qualification of the expert or reliability of the opinions must be filed no later than seven (7) days after the close of the discovery period, or such objection is waived. Any motion to compel responses to discovery (other than relating to factual matters arising after the end of the discovery period) must be filed no later than seven (7) days after the close of the discovery period or such complaint is waived, except for the sanction of exclusion under Rule 193.6.

4. Any amended pleadings asserting new causes of action or affirmative defenses must be filed no later than thirty (30) days before the end of the discovery period and any other amended pleadings must be filed no later than seven (7) days after the end of the discovery period. Amended pleadings responsive to timely filed pleadings under this Order may be filed after the deadline for amended pleadings if filed within two (2) weeks after the pleading to which they respond. Except with leave of court, TRCP 166a(c) motions must be heard no later than thirty (30) days before trial.

5. No additional parties may be joined more than five (5) months after the commencement of this case except on motion for leave showing good cause. This paragraph does not otherwise alter the requirements of Rule 38. The party joining an additional party shall serve a copy of this Order on the new party concurrently with the pleading joining that party.

6. The parties shall mediate this case no later than sixty (60) days before this Trial Setting, unless otherwise provided by court order. Mediation will be conducted in accordance with the standing Dallas County Civil District Court order regarding mediation, which is available from the Dallas County ADR Coordinator. All parties shall contact the mediator to arrange the mediation in accordance with this Court's **MEDIATION ORDER**. **CHARLES A OLIVER** is hereby appointed mediator. The parties must advise both the court and the aforementioned mediator in writing of any agreed mediator within fourteen (14) days from the

date this Order. Any mediator substitution requested beyond such time may only be made by motion for submission to the court for good cause and under extraordinary circumstances. Unless otherwise ordered by the court, the parties shall select a mediator by agreement; if the parties are unable to agree on a mediator, they shall advise the court within fourteen (14) days of the date of this order; the court will appoint a mediator.

7. Fourteen (14) days before this Trial Setting, the parties shall exchange a list of exhibits, including any demonstrative aids and affidavits, and shall exchange copies of any exhibits not previously produced in discovery; over-designation is strongly discouraged and may be sanctioned. Except for records to be offered by way of business record affidavits, each exhibit must be identified separately and not by category or group designation. Rule 193.7 applies to this designation. On or before ten (10) days before this Trial Setting, the attorneys in charge for all parties shall meet in person to confer on stipulations regarding the materials to be submitted to the Court under this paragraph and attempt to maximize agreement on such matters. By 4:00 p.m. on the Thursday before this Trial Setting, the parties shall file with the Court the materials stated in Rule 166(e)-(l), an estimate of the length of trial, designation of deposition testimony to be offered in direct examination, and any motions in limine. Failure to file such materials may result in dismissal for want of prosecution or other appropriate sanction.

8. All Daubert challenges, all witness challenges, and all dispositive motions, including Motions for Summary Judgment, shall be set and heard at least 30 days prior to this trial setting or they are waived.

Plaintiff/Plaintiff's counsel shall serve a copy of this Order on any currently named defendant(s) answering after this date.

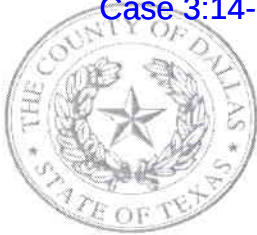
SIGNED on 12/16/2013.



DALE TILLERY, Presiding Judge

pc: CHARLES A OLIVER; DOES 1-3 INCLUSIVE; CHERYL MATTHEWS; TATIA WILSON;
KENNETH STUART HARTER

ADDITIONALLY, YOU MAY ACCESS THE COURT'S FILE, BY GOING TO:
<http://courts.dallascounty.org/default.aspx>



JUDGE DALE TILLERY PRESIDING
134th Judicial District Court
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202-4606
214/653-6995
fly@dallascourts.org

Civil Case Cover Sheet
In Dallas County, Texas

December 16, 2013

CHARLES A OLIVER
4925 GREENVILLE AVENUE
SUITE 200
DALLAS TX 75206

Re: VERNON LINICOMN vs. CITY OF DALLAS, et al
DC-13-12663

PLEASE SEE ATTACHMENT(S):

KENNETH STUART HARTER
1620 E BELTLINE RD
CARROLTON TX 75006

CHERYL MATTHEWS
1400 SO LAMAR STREET
DALLAS TX 75215

DOES 1-3 INCLUSIVE
No Known Address

TATIA WILSON
CITY HALL 7CN
1500 MARILLA STREET
DALLAS TX 75201

CHARLES A OLIVER
4925 GREENVILLE AVENUE
SUITE 200
DALLAS TX 75206
